

Hon. James L. Robart

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

NICHOLAS JAY SHRECK,

Defendant.

NO. CR18-264 JLR

PROTECTIVE ORDER

This matter comes before the Court on the Unopposed Motion for Protective Order regarding discovery materials, as permitted by Fed. R. Crim. P. 16(d). Having considered the record and files herein, the Court finds there is good cause to grant the stipulated motion, and hence:

IT IS HEREBY ORDERED that the discovery materials discussed in the Motion for the Protective Order and referred to therein as "Protected Material," marked specially as "Subject to Protective Order," may be produced to counsel for the defendant in this case.

IT IS FURTHER ORDERED that possession of Protected Material is limited to the attorney of record in this case and the attorney's staff, and to any investigators, expert witnesses, and other agents the attorney of record retains in connection with this case, collectively referred to as "the defense team." The attorneys of record, and their investigators, expert witnesses, and other agents may review Protected Material with the

1 defendant. The defendant may inspect and review Protected Material, but shall not be
2 allowed to possess, photograph, or record Protected Material or otherwise retain Protected
3 Material or copies thereof.

4 IT IS FURTHER ORDERED that defense counsel shall not provide Protected
5 Material, or copies thereof, to any other person who is not a member of the defense team,
6 including the defendant. Defense counsel may send electronic copies of Protected Material to
7 the Federal Detention Center (FDC) for defendant's review. Any Protected Material sent to
8 the FDC must be sent with the designation as Protected so that the FDC may maintain all
9 copies for the defendant's review in the Education Law Library.

10 IT IS FURTHER ORDERED that the defendant, defense counsel, and others to whom
11 disclosure of the content of the Protected Material may be necessary to assist with the
12 preparation of the defense, shall not disclose the Protected Material or its contents, other than
13 as necessary for the preparation of defenses at trial and in subsequent appellate proceedings,
14 if necessary.

15 IT IS FURTHER ORDERED that if defense counsel finds it necessary to file any
16 documents marked as Protected Material, the material shall be filed under seal with the
17 Court.

18 IT IS FURTHER ORDERED that, notwithstanding the above, any sexually explicit
19 materials in this case shall not be produced by the government but shall be retained in the
20 government's custody and control. Members of the defense team, not including the
21 defendant, may review these materials at a mutually agreeable time at the government's
22 offices, in the presence of government counsel or agents of the government. No copies of
23 such materials shall be disseminated outside of the government's control. Nothing in the
24 paragraph prohibits the use of such images as exhibits at any trial in this matter, subject to
25 further direction and orders by the Court as to the manner of their use.
26

1 Except as noted above with respect to the sexually explicit materials, nothing in this
 2 Protective Order prohibits defense counsel from showing the Protected Material, or
 3 reviewing its contents, with the defendant or with others to whom disclosure may be
 4 necessary to assist with the preparation of the defense at trial and in subsequent appellate
 5 proceedings, if necessary.

6 Nothing in this Protective Order prohibits defense counsel from disputing the
 7 designation of material as Protected Material and, if agreement cannot be reached between
 8 the parties, to seeking a determination by this Court.

9 Nothing in this Protective Order prohibits defense counsel from moving to modify the
 10 Protective Order in the event the defendant's ability to review discovery becomes unduly
 11 restricted, including, but not limited to, by having insufficient time to review discovery in the
 12 FDC law library.

13 At the conclusion of the case, the Protected Material shall be returned to the United
 14 States, or destroyed, or otherwise stored in a manner to ensure that it is not subsequently
 15 duplicated or disseminated in violation of this Protective Order.

16
 17 DATED this 23rd day of June, 2023.

18 

19 HON. JAMES L. ROBERT
 20 United States District Judge

21 Presented by:

22 /s/ Cecelia Gregson

23 CECELIA GREGSON
 24 Assistant United States Attorney

25 /s/ Dennis Carroll

26 DENNIS CARROLL
 27 Assistant Federal Public Defender